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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/779,729 | 02/18/2004 | Fujikazu Sugimoto | 118593 | 1727 |

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| EXAMINER | |
|---|---|
| SABOURI, MAZDA | |
| **ART UNIT** | **PAPER NUMBER** |
| 2617 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 11/01/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/779,729 | SUGIMOTO ET AL. | |
| | Examiner | Art Unit | |
| | Mazda Sabouri | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5,9 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims filed on 8/7/2007 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1,3 and 9** rejected under 35 U.S.C. 103(a) as being unpatentable over US 6968209 (Ahlgren et al.) in view of US 2003/0195949 (Slivka et al.).

6. **As to claim 1**, Ahlgren teaches a data backup system, comprising:

a. A wearable computer (20, fig 2. Note that element 20 may be a pager, see column 1, lines 44-50) including a receiving device (antenna) to receive backup data (changed records sent from element 10, fig 2) and a backup-data writing device (210, fig 2) to write the backup data to a second storage device (50, fig 2);

b. A portable information terminal (10, fig 2. Note that element 10 may be a portable information terminal, see column 1, lines 44-50) that carries out data communication (30, fig 2) with the wearable computer, the portable information terminal including,

i. A first storage device (200,40, fig 2, note that the change log and the database are memory within the same device) to store predetermined

data (records), a history of updates of the data (timestamp indicating when changes to records are made), and a history of backups of the data (timestamp indicating time of synchronizations. Note that this timestamp is not explicitly taught. However, it is implicit due to the fact that element 10 knows that a record change has occurred subsequent to the last synchronization, see column 2, lines 24-30);

ii. An extracting device (processor for element 10 is inherent) to read the update history and the backup history from the first storage device, compare a time of the last backup indicated by the backup history with a time of the last update indicated by the update history, search for data newly updated since the time of the last backup, extract the newly updated data of the data, and delete an update time from only the extracted newly updated data (Processor for element 10 sends records that have been updated since the last synchronization. The change log itself only contains information [identification and timestamp] relating to records changed subsequent to the last synchronization. Therefor information, [identification, timestamp] relating to records changed made prior to the last synchronization is implicitly deleted before the completion of a next synchronization).

iii. A data sending device (transmitter for element 10) to send only the extracted newly updated data as the backup data to the wearable computer after deleting the update time (Ahlgren teaches that only the

updated record is transmitted, see column 2, lines 24-29. There is no teaching or suggestion of transmitting the timestamp during synchronization. Ahlgren further teaches that the change log only contains information relating to records changed subsequent to the last synchronization. Therefor information relating to records changed prior to a synchronization, including the timestamp, is deleted from the change log) (see Ahlgren, column 1, lines 41-67 and column 2, lines 1-30).

c. What is lacking is the wearable device comprising a data expanding device to expand compressed backup data received by the receiving device, the data expanding device detects whether the backup data has been corrupted and, if so, quits an updating process and erases the received backup data. In a similar field of endeavor Slivka teaches a user computer (analogous to the wearable device in that it wirelessly receives updated data from an external source) having hardware for detecting received data for corruption, deleting data, and decompressing (expanding compressed data) the received data (see Slivka, paragraphs 145 and 147). The teachings of Slivka improve the data backup system of Ahlgren by using compression/decompression (this reduces bandwidth requirements for transmitting the data) during data communication and discarding corrupted data. It would have been obvious to one ordinary skill in the arts at the time the invention was made to combine the teachings of Slivka into those of Ahlgren, for the reasons mentioned above.

7. **As to claim 2**, Slivka further teaches a network server (analogous to the portable information terminal in that it wirelessly sends updated data to an external device) that compresses data before sending the data (see Slivka, paragraph 147). The teachings of Slivka improve the data backup system of Ahlgren by using compression/decompression (this reduces bandwidth requirements for transmitting the data) during data communication. It would have been obvious to one ordinary skill in the arts at the time the invention was made to combine the teachings of Slivka into those of Ahlgren, for the reasons mentioned above.

8. **As to claim 3**, Ahlgren further teaches that the predetermined data and the backup data include an identifier (identity of the database records, see Ahlgren, column 2, lines 14-18), wherein the back-up writing device compares an identifier stored in advance in the second storage device with the identifier of the backup data before writing the backup data into the second storage (element 20 receives identity of database records that have been changed and make changes to it's own records having the same identity) (see Ahlgren, column 2, lines 10-31).

9. **As to claim 9**, the system cited in the rejection of claim 1 performs all of the steps recited in the method of claim 9.

10. **Claim 4,5 and 10** rejected under 35 U.S.C. 103(a) as being unpatentable over US 6968209 (Ahlgren et al.) in view of.) in view of US 2003/0195949 (Slivka et al.) as applied to claims 1,3 above, and further in view of US 2003/0050010 (Fallenstein).

11. **As to claim 4**, what is lacking is the first storage device storing a predetermined communication identifier and sending that identifier such that an authentication device comprised in the wearable computer permits connection by comparing the identifier to an identifier stored in the wearable device. In a similar field of endeavor Fallenstein teaches a first storage device (110, fig 2) storing a predetermined communication identifier (authentication code) and sending that identifier such that an authentication device (104, fig 2) comprised in a computer (103, fig 2. note that Ahlgren teaches a wearable computer) permits connection (allows installation into system 100. Note that system 100 comprises wireless communication) by comparing the identifier to an identifier (stored authentication code) stored in the computer (see Fallenstain, paragraphs 35-38). The teachings of Fallenstain help to establish an authenticated (implied by the term "authentication code") wireless link between two devices. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Fallenstain, into those of Ahlgren in view of Slivka, for the reasons mentioned above.

12. **As to claim 5**, the wearable computer cited in the rejection of claim 1 meets most of the embodiments of the wearable computer recited in claim 5. As for a first communication identifier code, a communication identifier stored in advance, and the authenticating device, note the rejection of claim 4 (predetermined communication identifier=first communication identifier code). As for the second communication identifier code, note the rejection of claim 3 (identifier=second identifier code). Fallenstain further teaches that the identifiers (authentication codes) must be identical

for connection to be permitted (see Fallenstain, paragraphs 35-38). The new teachings of Fallenstain help to establish an authenticated (implied by the term "authentication code") wireless link between two devices. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Fallenstain, into those of Ahlgren in view of Slivka, for the reasons mentioned above.

13. **As to claim 10**, the system cited in the rejection of claim 4, performs all of the steps recited in the process of claim 10.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6839564 (Sutinen et al.) teaches synchronization of database data. US 2003/0104833 (Chiu) teaches a data synchronization system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/25/07